

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *eg* D.C.
05 DEC -8 PM 12:35

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 05-2382 BA

NATIONAL BANK OF COMMERCE,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DENYING DEFENDANT'S MOTION FOR DEFAULT JUDGMENT

This cause is before the Court in connection with the report and recommendation of the magistrate judge on the motion of the Defendant, National Bank of Commerce, for default judgment for a hearing on damages and for a report and recommendation to enable that court to enter a default judgment. In a report and recommendation filed November 3, 2005, the magistrate judge recommended that default judgment not be entered against the third party defendants, Specialty Foods L.L.C. and Paul T. Capps, at this time. According to the Court's docket, no objections to the magistrate judge's report and recommendation have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

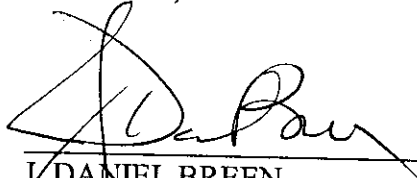
The court has reviewed the magistrate judge's report and recommendation, and the entire record of the proceeding before the magistrate judge. No objections having been filed to the report and recommendation, the court ADOPTS the magistrate judge's report and recommendation.

It is therefore ORDERED that the magistrate judge's report and recommendation filed November 3, 2005 be hereby ADOPTED and the Defendant's motion for default judgment is DENIED.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 12-8-05

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IT IS SO ORDERED this 7th day of December, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



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Honorable J. Breen
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